

House File 2064 - Introduced

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BY RIZER and DAWSON

A BILL FOR

1 An Act relating to the criminal offense of child endangerment
2 resulting in the death of a child or minor, and providing
3 penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 902.12, Code 2016, is amended to read as
2 follows:

3 **902.12 Minimum sentence for certain felonies — eligibility**
4 **for parole or work release.**

5 1. A person serving a sentence for conviction of the
6 following felonies, including a person serving a sentence
7 for conviction of the following felonies prior to July 1,
8 2003, shall be denied parole or work release unless the person
9 has served at least seven-tenths of the maximum term of the
10 person's sentence:

11 ~~1.~~ a. Murder in the second degree in violation of section
12 707.3.

13 ~~2.~~ b. Attempted murder in violation of [section 707.11](#).

14 ~~3.~~ c. Sexual abuse in the second degree in violation of
15 section 709.3.

16 ~~4.~~ d. Kidnapping in the second degree in violation of
17 section 710.3.

18 ~~5.~~ e. Robbery in the first or second degree in violation of
19 section 711.2 or [711.3](#).

20 ~~6.~~ f. Vehicular homicide in violation of section 707.6A,
21 subsection 1 or 2, if the person was also convicted under
22 section 321.261, subsection 4, based on the same facts or
23 event that resulted in the conviction under section 707.6A,
24 subsection 1 or 2.

25 2. A person serving a sentence for a conviction of child
26 endangerment in violation of section 726.6, subsection 4, shall
27 be denied parole or work release unless the person has served
28 at least seven-tenths of the maximum term of the person's
29 sentence.

30 EXPLANATION

31 The inclusion of this explanation does not constitute agreement with
32 the explanation's substance by the members of the general assembly.

33 This bill relates to the criminal offense of child
34 endangerment that results in the death of a child or minor.

35 The bill requires an offender who commits the criminal

1 offense of child endangerment that results in the death of
2 a child or minor to serve 70 percent of a 50-year class "B"
3 felony sentence. Under current law, such an offender is
4 sentenced to confinement for 50 years but is eligible for
5 parole upon entering prison.

6 Under current law and the bill, felonious child endangerment
7 is also classified as a "forcible felony" under Code section
8 702.11, which under Code section 907.3 prohibits a defendant
9 from receiving a suspended or deferred sentence or deferred
10 judgment.

11 Under Code section 905.11 an offender serving a 70 percent
12 sentence, including an offender who is serving a child
13 endangerment 70 percent sentence under the bill, shall reside
14 in a residential facility operated by the district department
15 for a period of not less than one year if such offender is
16 released on parole or work release.

17 Code section 906.15 also specifies that an offender serving
18 a 70 percent sentence shall not be discharged from parole until
19 the offender's term of parole equals the period of imprisonment
20 specified in the offender's sentence, less all time served in
21 confinement.

22 An offender who commits child endangerment shall also
23 register as a sex offender under Code chapter 692A if a
24 determination is made that the offense was sexually motivated.